## MAINE STATE LEGISLATURE

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## 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

**Legislative Document** 

No. 823

H.P. 557

House of Representatives, March 10, 2015

## An Act To Upgrade the Concealed Handgun Permit Law

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

ROBERT B. HUNT
Clerk

Presented by Representative SHAW of Standish.

Cosponsored by Representatives: CRAFTS of Lisbon, DUNPHY of Old Town, MARTIN of Sinclair, SHORT of Pittsfield.

2 3	Sec. 1. 25 MRSA §2002, sub-§9, as amended by PL 2011, c. 366, §5, is repealed and the following enacted in its place:
4	9. Issuing authority. "Issuing authority" means the Chief of the State Police.
5	Sec. 2. 25 MRSA §2002-A, as amended by PL 1993, c. 524, §4, is repealed.
6 7	<b>Sec. 3. 25 MRSA §2003, sub-§1, ¶E,</b> as amended by PL 2011, c. 298, §7, is further amended to read:
8	E. Does the following:
9 10 11 12 13	(1) At the request of the issuing authority, takes whatever action is required by law to allow the issuing authority to obtain from the Department of Health and Human Services, limited to records of patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, the courts, law enforcement agencies and the military information relevant to the following:
14 15	<ul><li>(a) The ascertainment of whether the information supplied on the application or any documents made a part of the application is true and correct;</li></ul>
16 17	(b) The ascertainment of whether each of the additional requirements of this section has been met; and
18	(c) Section 2005;
19 20 21	(2) If a photograph is an integral part of the permit to carry concealed handguns adopted by an the issuing authority, submits to being photographed for that purpose;
22 23	(3) If it becomes necessary to resolve any questions as to identity, submits to having fingerprints taken by the issuing authority;
24 25	(4) Submits an application fee along with the written application to the proper issuing authority pursuant to the following schedule:
26 27 28 29 30 31	(a) Resident of a municipality or unorganized territory, \$35 for an original application and \$20 for a renewal, except that a person who paid \$60 for a concealed firearms permit or renewal during 1991 or 1992 is entitled to a credit toward renewal fees in an amount equal to \$30 for a person who paid \$60 for an original application and \$45 for a person who paid \$60 for a permit renewal. The credit is valid until fully utilized; and
32	(b) Nonresident, \$60 for an original or renewal application; and
33 34 35 36 37 38	(5) Demonstrates to the issuing authority a knowledge of handgun safety. The applicant may fully satisfy this requirement by submitting to the issuing authority, through documentation in accordance with this subparagraph, proof that the applicant has within 5 years prior to the date of application completed a course that included handgun safety offered by or under the supervision of a federal, state, county or municipal law enforcement agency or a firearms

Be it enacted by the People of the State of Maine as follows:

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instructor certified by a private firearms association recognized as knowledgeable in matters of handgun safety by the issuing authority or by the state in which the course was taken. A course completion certificate or other document, or a photocopy, is sufficient if it recites or otherwise demonstrates that the course meets all of the requirements of this subparagraph.

As an alternative way of fully satisfying this requirement, an applicant may personally demonstrate knowledge of handgun safety to an the issuing authority, if the issuing authority is willing to evaluate an applicant's personal demonstration of such knowledge. The issuing authority is not required to offer this 2nd option.

The demonstration of knowledge of handgun safety to the issuing authority may not be required of any applicant who holds a valid state permit to carry a concealed firearm as of April 15, 1990 or of any applicant who was or is in any of the Armed Forces of the United States and has received at least basic firearms training.

- **Sec. 4. 25 MRSA §2003, sub-§§3-A and 8,** as amended by PL 2011, c. 298, §7, are further amended to read:
- **3-A. Model forms.** The Attorney General shall develop model forms for the following:
  - A. An application for a resident permit to carry concealed handguns;
- B. An application for a nonresident permit to carry concealed handguns;
- C. A resident permit to carry concealed handguns of which a photograph is an integral part;
- D. A resident permit to carry concealed handguns of which a photograph is not an integral part;
  - E. A nonresident permit to carry concealed handguns; and
  - F. Authority to release information to the issuing authority for the purpose of evaluating information supplied on the application.
  - Each The issuing authority shall utilize only the model forms.

- **8. Term of permit.** All concealed handgun permits are valid for 4 10 years from the date of issue, unless sooner revoked for cause by the issuing authority. If a permit renewal is issued before the expiration date of the permit being renewed or within 6 months of the expiration date of the permit being renewed, the permit renewal is valid for 4 10 years from the expiration date of the permit being renewed.
- Sec. 5. 25 MRSA §2003, sub-§13, as enacted by PL 1991, c. 865, §4, is amended to read:
- **13. Fee waiver.** An <u>The</u> issuing authority may waive the permit fee for a permit issued to a law enforcement officer certified by the Maine Criminal Justice Academy.

1 2	Sec. 6. 25 MRSA §2003, sub-§15, as enacted by PL 1993, c. 524, §12, is repealed.
3 4	<b>Sec. 7. 25 MRSA §2003, sub-§17,</b> as enacted by PL 2011, c. 298, §7, is amended to read:
5 6 7 8 9	17. Waiver of law enforcement agency record and background check fees. Notwithstanding any other provision of law, a law enforcement agency may not charge an the issuing authority a fee in association with the law enforcement agency's conducting a concealed handgun permit applicant record check or background check for the issuing authority.
10 11	<b>Sec. 8. 25 MRSA §2005, sub-§2,</b> as amended by PL 2011, c. 298, §9, is further amended to read:
12 13 14 15	<b>2. Change of residence.</b> Except as provided in paragraph A, change of legal residence from one municipality to another during the term of the permit renders the permit invalid starting 30 days after the change is made. An invalid permit is not considered revoked for the purposes of subsection 3.
16 17 18 19 20 21	A. If the permit holder changes the permit holder's legal residence from one municipality to another during the term of the permit, the permit remains valid if the permit holder provides the permit holder's new address to the issuing authority of the permit holder's new residence within 30 days of making that change. The issuing authority of the new residence shall immediately reissue the permit with the corrected address for a fee of not more than \$2.
22 23 24 25	B. If the issuing authority of the permit holder's new residence so requests, the previous issuing authority shall provide a photocopy of the permit holder's application, documents made a part of the application and any information of record collected by that previous issuing authority.
26	SUMMARY
27	This bill amends the laws concerning permits to carry concealed handguns by:
28 29	1. Making the Chief of the State Police the sole issuing authority for a permit to carry concealed handguns;
30 31	2. Extending the term of a permit to carry concealed handguns from 4 years to 10 years; and
32 33 34	3. Removing the requirement that a course that includes handgun safety taken by an applicant for a permit to carry concealed handguns must have been taken by the applicant within 5 years prior to the date of application.